

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6321-CR-HURLEY  
Magistrate Judge Vitunac


UNITED STATES OF AMERICA,

Plaintiff,

v.

CYNTHIA JOHNSON,

Defendant.


FILED BY  D.C.  
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CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - WPB

**MOTION TO WITHDRAW AS COUNSEL**

COMES NOW Kathleen M. Williams, Federal Public Defender, through the undersigned Assistant Federal Public Defender, and hereby moves for leave to withdraw as counsel of record for Cynthia Johnson and states as follows:

1. On December 6, 2000, the court appointed the Federal Public Defender to represent the defendant.

2. The defendant is charged in a two count indictment. Count II of the indictment alleges, in pertinent part, that the defendant "did willfully and knowingly aid and abet the making of a false statement by Omchand Persaud, by providing a fraudulent and counterfeit United States Virgin Islands birth certificate . . . ." According to Assistant United States Attorney Roger Powell, Persaud is a potential witness against the defendant.



3. The office of the Federal Public Defender represented Omchand Persaud from November 12, 1999, until approximately December 30, 1999, at which time private counsel took over as counsel to Persaud. This creates a conflict of interest which precludes representation of Ms. Johnson.

4. The Sixth Amendment's guarantee of effective assistance of counsel includes the right to representation free from conflicting interest. Cuyler v. Sullivan, 446 U.S. 335 (1980); Holloway v. Arkansas, 435 U.S. 475 (1978); McConico v. Alabama, 919 F.2d 1543 (11th Cir. 1990).

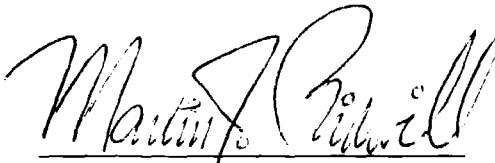
5. Accordingly, to ensure that Cynthia Johnson receives the effective assistance of counsel free from a conflict of interest, counsel requests that this Court grant this motion allowing the Federal Public Defender to withdraw. The Court should appoint CJA counsel to represent Ms. Johnson.

5. The undersigned has attempted to speak with Assistant United States Attorney Roger Powell regarding his position on the motion. However, Mr. Powell was unavailable.

WHEREFORE the Federal Public Defender respectfully requests this court to enter an order relieving the Federal Public Defender of any further responsibility as counsel for Ms. Johnson.

Respectfully submitted,

KATHLEEN M. WILLIAMS  
FEDERAL PUBLIC DEFENDER

By:   
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